

O I P E  
FEB 09 2004  
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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PATENT  
Attorney Docket No.: 016930-000630US

On FEBRUARY 5, 2004

FEB 20 2004

TOWNSEND and TOWNSEND and CREW LLP

By: Kimberly Rose

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Michael H. Shepard, *et al.*

Application No.: 10/076,691

Filed: February 14, 2002

For: METHOD FOR SELECTIVELY  
TRANSDUCING PATHOLOGIC  
MAMMALIAN CELLS USING A  
TUMOR SUPPRESSOR GENE

Examiner: Dave Nguyen

Art Unit: 1632

SUPPLEMENTAL INFORMATION  
DISCLOSURE STATEMENT UNDER 37  
CFR §1.97 and §1.98

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The references cited on the attached forms PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of the references are enclosed herewith. It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

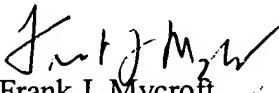
Applicants would also like to bring to the attention of the Examiner the following related patent applications: U.S. Patent Application No. 08/403,797, filed December 4, 1995, now U.S. Patent Number 6,348,352 B1 (Attorney Docket No. 016930-000600US), International Patent Application Number PCT/US93/08844, filed September 17, 1993, publication number

WO 94/06910 A1 (Attorney Docket No. 016930-000600PC), U.S. Patent Application No. 08/379,168, filed January 27, 1995, now abandoned (Attorney Docket No. 016930-000620US), and U.S. Patent Application No. 07/948,289, filed September 18, 1992, now abandoned (Attorney Docket No. 016930-000610US). The Examiner is respectfully requested to make these documents of record in the subject application.

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that no fee is required for submission of this statement. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,

  
Frank J. Mycroft  
Reg. No. 46,946

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60129755 v1



Substitute for form 1449A/PTO				Complete if Known	
				Application Number	10/076,691
				Filing Date	February 14, 2002
				First Named Inventor	Shepard, Michael H.
				Art Unit	1632
				Examiner Name	Dave Nguyen
Sheet	1	of	2	Attorney Docket Number	016930-000630US

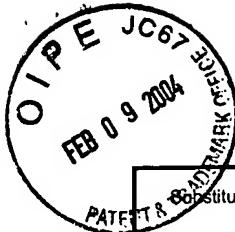
U.S. PATENT DOCUMENTS+					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1.	6,348,352 B1	02-19-2002	Shepard et al.	
	2.	USSN 07/948,289	N/A (Filed 09-18-1992)	Shepard et al.	
	3.	USSN 08/379,168	N/A (Filed 01-27-1995)	Shepard et al.	

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup>	Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
	4.	WO	94/06910 A1	03-31-1994	Canji, Inc.		<input type="checkbox"/>
							<input type="checkbox"/>

Examiner Signature		Date Considered
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Kind Codes of U.S. Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

60129755 v1



Substitute for form 1449B/PTO				<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				Application Number	10/076,691
(use as many sheets as necessary)				Filing Date	February 14, 2002
				First Named Inventor	Shepard, Michael H.
				Art Unit	1632
				Examiner Name	Dave Nguyen
Sheet	2	of	2	Attorney Docket Number	016930-000630US

**FEB 20 2004**

<b>NON PATENT LITERATURE DOCUMENTS</b>			
Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	5.	KOLATA, G., "In the rush toward gene therapy, some see a high risk of failure," <u>The New York Times</u> ; page C3, Tuesday, July 25, 1995.	
	6.	LIM, B. et al., "Long-term expression of human adenosine deaminase in mice transplanted with retrovirus-infected hematopoietic stem cells" <u>Proc Natl Acad Sci U S A</u> , 86:8892-8896 (1989).	
	7.	ORKIN, S. et al., "Report and recommendations of the panel to assess the NIH investment in research on gene therapy" December 7, 1995.	

Examiner Signature	Date Considered
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<sup>1</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>2</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.